

Diamond, Esq. and Joseph D. Garrison, Esq., and the accompanying Memorandum of Law in Support of Defendant's Motion to Enforce the Settlement Agreement, Defendant Hospital for Special Surgery will move this Court before the Honorable Lewis A. Kaplan, United States Courthouse, 500 Pearl Street, New York, New York 10007, at a time and date to be determined by the Court, for an Order enforcing the settlement agreement in this matter, dismissing this case with prejudice, and awarding Defendant the costs and attorney's fees which it has been compelled to expend on the Motion.

Dated: July 14, 2009

/s/ David H. Diamond

David H. Diamond
Gershom R. Smith
PROSKAUER ROSE LLP
1585 Broadway
New York, New York 10036
(212) 969-3000
(212) 969-2900 (fax)
ddiamond@proskauer.com
Attorneys for Defendant

TO: Derrick T. Smith, Esq.
AKIN & SMITH, LLC
305 Broadway, Suite 1101
New York, NY 10007
(877) 469-5297
Attorneys for Plaintiff